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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,696	10/20/2003	Robert K. Hood		4670

7590 01/13/2006

LAW OFFICE OF MICHELE HOLDEN
212 N. 4TH STREET
SUITE 7
KINGMAN, AZ 86401

EXAMINER

RAMIREZ, RAMON O

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,696

Applicant(s)

HOOD, ROBERT K.

Examiner

RAMON O. RAMIREZ

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6,7 and 9-26 is/are pending in the application.
- 4a) Of the above claim(s) 9-13 and 15-18 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 14,19-22,25 and 26 is/are rejected.
- 7) ☒ Claim(s) 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

This is the first Office Action on the merits corresponding to RCE filed on Aug 4, 2005, and communication filed Dec 7, 2005. The application contains 15 claims, numbered 6, 7, and 9-26. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

Applicant's election with traverse of the invention and species in the reply filed on Dec 7, 2005 is acknowledged. The traversal is on the ground(s) that the inventions are not distinct. This is not found persuasive because the inventions as explained before are distinct since they have different utility.

The requirement is still deemed proper and is therefore made FINAL.

Claims 9-13, and 15-18 are withdrawn from consideration for the following reasons:

Claims 9-13 are directed to a non elected invention;
claim 15 claims an umbrella proper for class 135 as are claims 9-13; and
claims 16-18 do not read on the elected species of Fig 5C, which is for holding an umbrella on a boat.

Claim Rejections - 35 USC § 103

Claims 14, 19-21, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson (Pat No 3,020,017).

The patent to Watson has been explained in former Office Actions. Please note that the device of Watson is capable of supporting any desired item; for example a sporting component. As to claim 9, please refer to Fig 9 of the patent that shows a plurality of suction cups. As to claim 14, please refer to Fig 4 of the patent that shows the parallel orientation recited in the claim.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watson as applied to the claims above, and further in view of Carruthers (Pat No 5,915,482).

The attaching means recited in the claim is well known in the art (bayonet type) as shown by Carruthers (at 18 and 24). It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Watson with an attaching means as the one shown by Carruthers to facilitate the securing of the cup within the receptacle.

Allowable Subject Matter

Claims 6 and 7 are allowed.

Claims 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

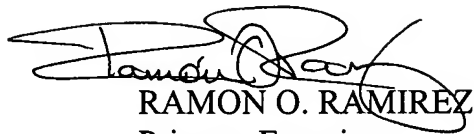
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor ROBERT OLSZEWSKI can be reached on (571) 272-6788.

The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A shortened period for response to this Office Action expires **THREE MONTHS**
from the mailing date of this action.

ROR
January 11, 2006



RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632